APPENDIX A

1. The pertinent provisions of the Poultry Products Inspection Act, 71 Stat. 441 (1957), *as amended,* 21 U.S.C. §§ 451-69 (1964), in addition to those provisions printed in the petition for certiorari, are as follows:

Sec. 4(e). The term "poultry product" means any poultry which has been slaughtered for human food from which the blood, feathers, feet, head, and viscera have been removed in accordance with rules and regulations promulgated by the Secretary, any edible part of poultry, or, unless exempted by the Secretary, any human food product consisting of any edible part of poultry separately or in combination with other ingredients.

Sec. 13. Before any violation of this Act is reported by the Secretary to any United States attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this Act shall be construed as requiring the Secretary to report for criminal prosecution violations of this Act whenever he believes that the public interest will be adequately served and compliance with the Act obtained by a suitable written notice or warning.

Sec. 15 (a). The Secretary shall, by regulation and under such conditions as to sanitary standards, practices, and procedures as he may prescribe, exempt from specific provisions of this Act—

* * *

(3) for such period of time as the Secretary determines that it would be impracticable to provide inspection and the exemption will aid in the effective administration of this Act, any person engaged in the processing of poultry or poultry products for commerce

and the poultry or poultry products processed by such person: *Provided, however,* That no such exemption shall continue in effect on and after July 1, 1960. . . .

Sec. 22. [Pub. L. No. 85-172, § 22, 71 Stat. 449 (1957)] This Act shall take effect upon enactment, except that no person shall be subject to the provisions of this Act prior to January 1, 1959, unless such person after January 1, 1958, applies for and receives inspection for poultry or poultry products in accordance with the provisions of this Act and pursuant to regulations promulgated by the Secretary hereunder, in any establishment processing poultry or poultry products in commerce or in a designated major consuming area. Any person who voluntarily applies for and receives such inspection after January 1, 1958, shall be subject, on and after the date he commences to receive such inspection, to all of the provisions and penalties provided for in this Act with respect to all poultry or poultry products handled in the establishment for which such said application for inspection is made.

2. The pertinent provisions of the Administrative Procedure Act, 60 Stat. 237 (1946), 5 U.S.C. §§ 1001-11 (1964), in addition to the provisions printed in the petition for certiorari, are as follows:

Sec. 2. As used in this Act—

* * *

(c) Rule and rule making.—"Rule" means the whole or any part of any agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of any agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing upon any of the foregoing.

"Rule making" means agency process for the formulation, amendment, or repeal of a rule.

(d) Order and adjudication.—"Order" means the whole or any part of the final disposition (whether affirmative, negative, injunctive, or declaratory in form) of any agency in any matter other than rule making but including licensing. "Adjudication" means agency process for the formulation of an order.

Sec. 4. Except to the extent that there is involved (1) any military, naval, or foreign affairs function of the United States or (2) any matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts—

(a) Notice.—General notice of proposed rule making shall be published in the Federal Register (unless all persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law) and shall include (1) a statement of the time, place, and nature of public rulemaking proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved. Except where notice or hearing is required by statute, this subsection shall not apply to interpretative rules, general statements of policy, rules of agency organization, procedure or practice, or in any situation in which the agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

(b) Procedures.—After notice required by this section, the agency shall afford interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner; and, after

consideration of all relevant matter presented, the agency shall incorporate in any rules adopted a concise general statement of their basis and purpose. Where rules are required by statute to be made on the record after opportunity for an agency hearing, the requirements of sections 7 and 8 shall apply in place of the provisions of this subsection.

APPENDIX B

MIL-S-001049D (GL)
14 FEBRUARY 1966
USED IN LIEU OF
MIL-S-1049C
20 JUNE 1963

MILITARY SPECIFICATION

SOUP, DEHYDRATED CHICKEN-FLAVORED, WITH NOODLES

This limited coordination Military specification has been prepared by the U. S. Army Natick Labpratories based upon currently available technical information, but it has not been approved for promulgation as a coordinated revision of Military Specification MIL-S-1049C. It is subject to modification. However, pending the promulgation as a coordinated Military specification, it may be used in procurement.

1. SCOPE

1.1 This specification covers dehydrated chicken-flavored soup with noodles for use by the Armed Forces as an item of general issue and as a component of operational rations.

* * *

5.3 LABELING AND MARKING.

5.3.1 *Cans.* Cans shall be labeled in accordance with MIL-L-1497 and as follows:

SOUP, DEHYDRATED
CHICKEN-FLAVORED, WITH NOODLES
————————net weight

This product is gas packaged in accordance with the provision of the applicable specification under which it is manufactured. If can is bulged, contact a Veterinary Officer, if available; if not, a Medical Officer to render a decision as to whether product is usable.

In addition, directions for use specified in 5.3.1.1 or 5.3.1.2, as applicable, shall be included in the labeling.

5.3.1.1 *For 401 by 411 can:*

Directions for use

25 servings (1 cup each):
Add contents of can to
6½ quarts of boiling
water and simmer for
7 minutes.

5.3.1.2 *For 603 by 700 cans:*

Directions for use

100 servings (1 cup each):
Add contents of can to
6½ gallons of boiling
water and simmer for
7 minutes.

5.3.2 *Shipping containers.* Shipping containers shall be marked in accordance with MIL-STD-129.